

PATENT  
450108-02368

In the Office Action under reply, the Examiner kindly found claims 17, 19, 44-59, 61 and 63 to be in condition for allowance. Claims 6 and 8 were objected to as being dependent upon claim 36, which the Examiner rejected under 35 USC 103 as being obvious in view of U.S. Patent 6,661,571 (Shioda).

It is respectfully submitted that Shioda is not available as a prior art reference to be used against the claims of the instant application. The present application was filed in accordance with the provisions of 35 USC 371 and is based upon an international application having the international filing date of December 21, 1999 and designating the United States. However, the 35 USC 102(e) date to which Shioda is entitled is its U.S. filing date of September 18, 2000. Therefore, since the international filing date to which the present application is entitled is earlier than the U.S. filing date of Shioda, Shioda cannot be used as a prior art reference to reject the claims of the present application. See, in particular, MPEP § 1893.03(b). The withdrawal of the rejection of claim 36 as being obvious in view of Shioda is respectfully solicited.

Accordingly, it is respectfully submitted that claims 6, 8, 17, 19, 36, 44-59, 61 and 63, all the claims present in this application, are in condition for allowance. An early notice to this effect is respectfully requested.

Respectfully submitted,

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